

BEFORE THE WEST VIRGINIA BOARD OF VETERINARY MEDICINE

**WEST VIRGINIA BOARD OF
VETERINARY MEDICINE,**

COMPLAINANT,

v.

CASE NO. 0218A

**KATHRYN WALKER, DVM,
VETERINARIAN LICENSE NO. 9221,**

RESPONDENT.

CONSENT AGREEMENT AND ORDER

After due investigation of allegations received in a written complaint, the West Virginia Board of Veterinary Medicine ("Board") determined there was probable cause to believe that Respondent, Kathryn Walker, DVM ("Dr. Walker"), exhibited unprofessional conduct in the practice of veterinary medicine in violation of certain provisions of W. Va. Code §§ 30-10-1 *et seq.* and W. Va. Code R. §§ 26-1-1 *et seq.* The Board gave Dr. Walker written notice of the allegations against her and the opportunity to request an administrative hearing under the rules of the Board and the laws of this State. Rather than proceeding to an administrative hearing, the parties have agreed to the entry of this *Consent Agreement and Order* to resolve and dispose of this matter.

FINDINGS OF FACT

The Board adopts the following factual findings:

1. Dr. Walker is a licensee of the Board, holding License No. 9221, and at all times relevant hereto, practiced veterinary medicine at Beckley Veterinary Hospital in Beckley, West Virginia.

2. The Board received a written complaint dated January 26, 2018 from Debbie Hensley (“Ms. Hensley”) regarding the veterinary care that her dog, Oliver, received from Dr. Walker at Beckley Veterinary Hospital on January 19, 2018.

3. Ms. Hensley’s complaint alleges that, on Friday, January 19, 2018, she presented Oliver to Beckley Veterinary Hospital with complaints of vomiting, not eating, weight loss, and generalized fatigue and malaise. Ms. Hensley voiced concerns to Dr. Walker that, because Oliver had gotten into some trash several days earlier, he may have a bowel obstruction. In response, Dr. Walker stated that she suspected pancreatitis and ordered blood work.

4. Oliver’s blood work did not indicate pancreatitis and he underwent an abdominal x-ray. In discussing the x-ray with Ms. Hensley, Dr. Walker “point[ed] to one particular area in the right upper quadrant of the abdomen,” but assured Ms. Hensley that, “although there was air in the bowel this was NOT an obstruction.” Dr. Walker further stated that she suspected ulcers or an atypical type of parasite and assured Ms. Hensley that “by the evening Oliver would be able to tolerate fluids and the medications that she was prescribing him for the ulcer or parasite.” Ms. Hensley then left the hospital with Oliver.

5. Ms. Hensley further alleges that Oliver did not tolerate fluids or the prescribed medications and by Sunday, January 21, 2018, he “was very lethargic and his general condition was declining.” On Monday, January 22, 2018, Ms. Hensley took Oliver to Oak Hill Animal Hospital. There, Oliver underwent a barium study, after which Ms. Hensley was informed “that Oliver needed to have emergency surgery in order to save his life.” The surgical procedure “resulted in removal of foreign body from the bowel, removal of 8 inches of colon, and repair of two areas of perforation.”

6. Although Oliver survived the surgery, he ultimately passed away during the night between January 22 and 23, 2018. Ms. Hensley contacted Beckley Veterinary Hospital to discuss Oliver's care and was told that Dr. Walker would call back on January 25, 2018; however, Ms. Hensley never received a return call. Ms. Hensley has included with her complaint Oliver's medical records from both Beckley Veterinary Hospital and Oak Hill Animal Hospital.

7. Dr. Walker responded to Ms. Hensley's complaint by letter dated February 13, 2018, with one page of handwritten notes and two pages of lab results enclosed. In her response, Dr. Walker states that she conducted a physical examination of Oliver and, in consideration of his breed, "immediately advised a full CBC and Profile and a fecal." Further, "there was no stool available for analysis, but the blood results were for the most part unremarkable." Dr. Walker then ordered radiographs, which "seemed unremarkable other than gas distention in the colon and a small amount of gas in the right cranial abdomen consistent with air in the cecum." Dr. Walker advised Ms. Hensley that she "did not see a foreign body or other strong indicators of an obstruction."

8. Dr. Walker and Ms. Hensley discussed other possibilities for Oliver's nausea, including parasites and stomach ulceration. Dr. Walker administered 250mL Lactated Ringers solution to address electrolyte imbalances and prescribed additional medications for Oliver. Dr. Walker claims that she instructed Ms. Hensley to call if Oliver did not tolerate the medications or if Ms. Hensley had any other questions or concerns. Dr. Walker further claims that the office manager who spoke with Ms. Hensley on January 24, 2018 was told not to place a return call because Ms. Hensley was too upset and it would be rude.

9. The Board's Complaint Committee reviewed Ms. Hensley's complaint, Dr. Walker's response, and the medical records and other documents submitted with both, and found

probable cause to believe that Dr. Walker failed to meet the required standard of care by insufficient management of a potential gastrointestinal obstruction, in violation of W. Va. Code § 30-10-19(g)(3) and W. Va. Code R. §§ 26-1-9.1.e, 26-4-3.10, 26-4-5.1.a, and 26-4-5.1.b.

10. Upon recommendation of the Complaint Committee, and after reviewing the aforementioned complaint, response, and accompanying documents, the Board, by majority vote, at its Board meeting on April 12, 2018, determined there was sufficient evidence to warrant further proceedings and that further action should be taken against Dr. Walker.

11. The Board issued a *Complaint and Statement of Charges* informing Dr. Walker that it had found the existence of probable cause at its April 12, 2018 Board meeting.

CONCLUSIONS OF LAW

1. Dr. Walker is a licensee of the Board, holding License No. 9221, and is therefore subject to the license requirements of the Board.

2. The Board is a state entity created and governed by W. Va. Code §§ 30-10-1 *et seq.*, and is empowered to regulate the practice of veterinary medicine in the State of West Virginia.

3. In order to carry out its regulatory duties, the Board may suspend, revoke, or otherwise discipline an individual's license to practice veterinary medicine under the authority granted to it by W. Va. Code §§ 30-10-5 and 30-10-19 and W. Va. Code R. §§ 26-1-9 and 26-2-1 to 26-2-6.

4. Dr. Walker was notified of the allegations against her pursuant to the rules of the Board and the laws of this State.

5. The conduct described in the above *Findings of Fact* would, if proven, constitute violations of W. Va. Code § 30-10-19 and W. Va. Code R. §§ 26-1-9, 26-4-3, and 26-4-5. Such conduct is therefore grounds for disciplinary action.

CONSENT OF LICENSEE

I, Kathryn Walker, by signing this *Consent Agreement and Order*, acknowledge the following:

1. After having had the opportunity to consult with an attorney of my choice, I sign this Consent Agreement and Order voluntarily, freely, without compulsion or duress, and understand that my signature has legal consequences.

2. No person or entity has made any promise or given any inducement whatsoever to encourage me to make this settlement other than as set forth in this document.

3. I am aware that I may pursue this matter through appropriate administrative and/or court proceedings. I am aware of my legal rights regarding this matter, but I have chosen to waive those rights intelligently, knowingly, and voluntarily.

4. I waive any defenses including, but not limited to, laches, statute of limitations, and estoppel, that I may have otherwise claimed as a condition of this agreement.

5. I admit that my actions violated the statutes and rules of the Board of Veterinary Medicine.

6. I acknowledge that the execution of this document constitutes disciplinary action by the Board and is therefore considered to be public information.

The Respondent, Kathryn Walker, by affixing her signature hereto, agrees to the following Order.

ORDER

Based on the foregoing, the Board does hereby ORDER and DECREE as follows:

1. Dr. Walker is hereby REPRIMANDED for her actions in this matter.
2. Within six months from the date of entry of this order, Dr. Walker shall:
 - a. Complete three hours of Board-approved continuing education on the subject of gastroenterology, including gastrointestinal obstruction, and submit to the Board a certificate of completion or other documentary proof of successful completion;
 - b. Complete three hours of Board-approved continuing education on the subject of recordkeeping and submit to the Board a certificate of completion or other documentary proof of successful completion; and
 - c. Following completion of three hours of Board-approved continuing education on the subject of recordkeeping, submit to the Board five medical records for review.
3. Any failure to comply with all provisions in this Consent Agreement and Order may result in additional disciplinary action, up to and including the suspension of Dr. Walker's license to practice veterinary medicine in the State of West Virginia.
4. This document is a public record as defined in West Virginia Code § 29B-1-2(4). The Board is bound by law and by this Agreement to report the results of all disciplinary actions, including this matter, for posting in the AAVSB Veterinary Practitioners Disciplinary Database and for posting on the Board's website.
5. This *Consent Agreement and Order* constitutes the entire agreement between the parties.

In recognition of this *Consent Agreement and Order*, we hereby affix our signatures.

WEST VIRGINIA BOARD OF VETERINARY MEDICINE

By: John R. Wilson
Dr. John R. Wilson, Board Chairman

Entered: 6-27-2018
Date

REVIEWED AND AGREED TO BY:

Kathryn Walker

Dr. Kathryn Walker
Respondent

6/21/18
Date

This day personally appeared before me, Kathryn Walker, whose name is signed to the foregoing document and who is known to me, having acknowledged before me that the statements in the foregoing document are complete, true and correct, to the best of her knowledge, information, and belief, and executed the document voluntarily on the date shown above.

Given under my hand and seal on this the 21st day of June, 2018.

My Commission expires: Aug 2, 2022

Carol Leigh Curtis
Notary Public

